

**UNITED STATES DEPARTMENT OF COMMERCE****Patent and Trademark Office**Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/421,710	10/20/99	VENOLIA	D M61.12-0144

WESTMAN CHAMPLIN & KELLY P A  
SUITE 1600 INTERNATIONAL CENTRE  
900 SECOND AVENUE SOUTH  
MINNEAPOLIS MN 55402-3319

WM02/0801

EXAMINER

ARMSTRONG, A

ART UNIT

PAPER NUMBER

2641

DATE MAILED:

08/01/01

Please find below and/or attached an Office communication concerning this application or proceeding.

**Commissioner of Patents and Trademarks**

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/421,710	VENOLIA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Angela A. Armstrong	2641	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 20 October 1999.
- 2a) This action is FINAL.                  2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-33 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
  If approved, corrected drawings are required in reply to this Office action.
- 12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

- 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some \* c) None of:  
    1. Certified copies of the priority documents have been received.  
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) The translation of the foreign language provisional application has been received.
- 15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 1-3, 17-19, 21 and 29 are rejected under 35 U.S.C. 102(e) as being anticipated by VanBuskirk et al (US Patent No. 6,075,534).

3. Regarding claims 1-3, 17-19, 21 and 29 VanBuskirk et al teaches

A minimal GUI for speech recognition in which the recognized text field and the system status visual user feedback component are combined together and can be displayed as embedded in the window of an application or can be a floating window (which reads on applicant's display representing location user provides input and displaying meter of state of system) at col. 1, lines 63-67, col. 5, lines 7-10 and col. 2, lines 60-63

Activating a microphone and displaying an indication that the microphone is active at col. 4, lines 42-51 and Figures 6 and 7

Variations in the volume of the user speech is displayed by a ribbon with fixed edge and movable edge to alter the shape and altering the color in response to variations in volume of the user speech (using speech signal value to determine coordinates of shape of display meter) at col. 2, lines 15-24.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4-16, 20, 22-28, and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over VanBuskirk et al in view of French-St. George et al (US Patent No. 6,018,711).

6. Regarding claims 4-16, 20, 22-28, and 30-33, although VanBuskirk et al teach a shape that changes size and color based on the variations of the speech signal volume, they do not specifically teach a mathematical function or relationship that governs the rate of change of the graphic display. French-St. George et al teaches animated graphical output in which the rate at which the animation diminishes in size is a linear or non-linear function (abstract; col. 6, lines 60-67; col. 7, lines 1-21; col. 8, lines 9-53), for the purpose of improving of user feedback and control of the speech interface (col. 5, lines 32-36).

7. Therefore, it would have been obvious to one of ordinary skill at the time of invention to modify the speech recognition graphical user interface of VanBuskirk et al to implement animated graphical output in which the rate at which the animation diminishes in size is a linear or non-linear function, as taught by French-St. George et al, for the purpose of improving of user feedback and control of the speech interface, as also taught by French-St. George.

Art Unit: 2641

***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
9. Eastwood et al. (US Patent No. 5,819,225) teaches a speech recognition graphical user interface that provides indications of speech processing states in the speech recognition system.
10. Rozak et al. (US Patent No. 5,864,815) teaches a speech recognition graphical user interface that provides indications of speech recognition status in the speech recognition system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Angela A. Armstrong whose telephone number is 703-308-6258. The examiner can normally be reached on Monday-Thursday 7:30-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William R. Korzuch can be reached on 703-305-6137. The fax phone numbers for the organization where this application or proceeding is assigned are 703-308-6306 for regular communications and 703-308-6296 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

AAA  
July 27, 2001



TALVALDIS RVARIS SMAITS  
PRIMARY EXAMINER